ANNUAL REPORT

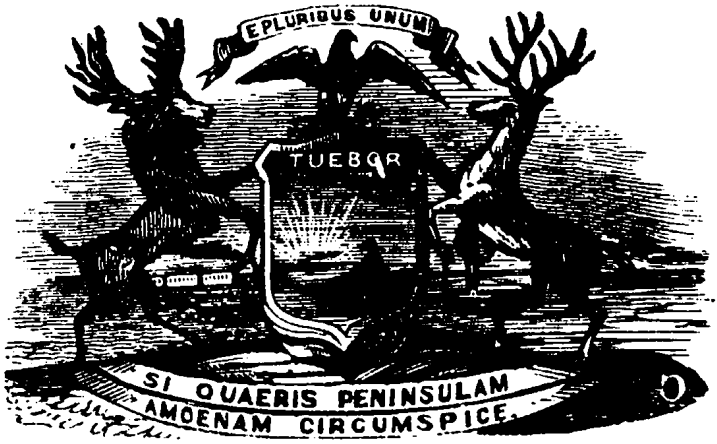
OF THE

ATTORNEY GENERAL

OF THE

STATE OF MICHIGAN,

FOR THE YEAR 1844.



BY AUTHORITY.

LANSING:
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1844.

REPORT.

To the Legislature of the State of Michigan:

The undersigned, in compliance with the statute, respectfully submits the following report—

Schedule A exhibits a brief summary of suits in the different courts in charge of this office. An important and responsible part of the duties of the Attorney General consists in examining and answering the great variety of new questions arising under the provisions of the statute, and giving opinions and advice to the various officers entrusted with the execution of the laws. This duty increases with the increasing population and business of the State.

Schedule B contains an abstract of the criminal reports of the Prosecuting Attorneys, showing the official business done by them during the past year.

The Prosecuting Attorneys for the counties of Lapeer, Macomb, Saginaw, Kent, Eaton, Hillsdale, Allegan, and Barry have neglected to make their reports. The schedule embraces all the other counties, and exhibits the amount and kind of criminal business done—the number of persons prosecuted, the crimes and misdemeanors for which such prosecutions were had—the results thereof, and the punishments awarded.

So far as has come within my observation, the duties of the Prosecuting Attorneys have been performed with vigilance and energy, and the laws for the punishment and prevention of crime executed with ability, promptitude, and effect. Notwithstanding our locality upon the borders of a foreign government, presenting an easy refuge to offenders from abroad, the past year has not been marked by any unusual number, or

by the atrocity of the crimes committed, and a general obedience to the laws has been observed.

No material change seems to me to be, at present required in our criminal jurisprudence. The statutory laws are now in the process of a general revision; if any deficiencies should be found to exist, such defects can be remedied in the revised code, without endangering the symmetry and harmony of the system.

Respectfully submitted,

E. FARNSWORTH,

Attorney General.

Detroit, December 30, 1844.

For appendix, see Joint Documents 1844,—State Library.

(A.)

Exhibiting a summary of Suits in the different Courts.

Charles G. Hammond, Auditor General, adsm the People, ex re l E. C. Seaman—Supreme Court. Application for a mandamus. Decided January term, 1844. Application denied.

The People, vs. Chorr—Indicted for murder. Application before Chief Justice Ransom, for allowance of writ of error. Allowed.

Auditor General, adsm. John Chamberlin—Application for a mandamus. Yet pending.

Charles G. Hammond, Auditor General, et al adsm. the Michigan State Bank—Court of Chancery. Bill dismissed. Appeal to the Supreme Court. Appeal still pending.

The People, vs. Ira J. Strong—Supreme Court. Indicted for perjury in Branch county. Motion in Supreme Court for new trial, and in arrest of judgment. Pending.

Charles G. Hammond, et al Trustees, vs. David Whitman, Jr.—Court of Chancery. Bill filed to stay waste. Injunction allowed. Settled.

Same vs. Harmon Chamberlin—Same as above.

The Attorney General, vs. the Calhoun County Bank—Bill filed. Injunction allowed and a receiver appointed.

Same, vs. the Jackson County Bank—Pending. In the hands of a receiver.

Charles G. Hammond, Auditor General, adsm. Henry W. Taylor, et al—In Chancery. Entered, appearance of Hammond. Yet pending.

Charles G. Hammond, et al Trustees, vs. Justus Burdick, et ux—Bill filed to foreclose mortgage.

Same, vs. Andrew Mann, et ux—Same as above.

Digby V. Bell, adsm. the People, ex rel Josiah Pidge—Supreme Court. Pending.

Same, adsm. same, ex rel Alexander Blake—Same as above.

(B.)

Abstract of Reports of Prosecuting Attorneys, exhibiting the criminal business of 1844.

Wayne County—A. W. BUEL, *Prosecuting Attorney.*

PERSONS INDICTED OR PROSECUTED.

For murder,	1
assault, with intent to murder,	1
do do do to rape,	1
perjury,	1
forgery,	2
burglary and larceny,	27
larceny,	86
assault and battery,	36
keeping house of ill-fame,	2
lewd and lascivious cohabition,	2
malicious destruction of property,	3
do injury,	2
escape,	2
breach of prison and accessory,	6
aiding escape,	1
uttering counterfeit bill of exchange,	1
having counterfeit bills with intent to pass,	3
false pretences,	3
obtaining goods on false pretences,	1
disturbing religious worship,	6
embezzlement,	1
	188

REMARK.—In the above list are included all indictments found, and prosecutions had, without reference to the fact, that in a number of instances, the same persons are indicted or prosecuted several times.

CONVICTIONS AND SENTENCES.

Convicted and sentenced to penitentiary,	42
do do fined,	20
do do imprisoned in county jail,	10
do do not sentenced,	15
Still pending,	51
Acquitted,	10

Absconded,	29
Discharged,	11
	188

N. B.—The same remark as above may be made, with reference to convictions and sentences, in several instances, the same persons receiving more than one sentence.

Washtenaw County—EDWARD MUNDY, *Prosecuting Attorney.*

INDICTMENTS.

For arson,		1
burglary and larceny,		1
larceny,		5
assault and battery,		4
do with intent to kill,		1
do do do do ravish,		1
escape,		1
breach of prison and aiding in attempt to escape,		1
obtaining goods under false pretences,		1
violation of license law,		48
cruelly beating an ox,		1—
		65
Convicted and sentenced to penitentiary,	4	
do do do to county jail,	1	
do and fined,	3	
do do not sentenced,	8	
Discharged,	2—	
Still pending,	47—	
	65	

Oakland County—SAM'L G. WATSON, *Prosecuting Attorney.*

INDICTMENTS.

For murder,	1
arson,	2
burglary,	2
larceny,	11
assault and battery,	1
do do do on public officer,	2
do do do with dangerous weapon,	3
official misconduct,	1
refusing to pay over money collected as a public officer,	2

malicious injury to personal property,		1
obtaining goods under false pretences,		1
burning wheat in the stock,		1
violation of license law,		2
presuming to be tavern keepers,		2—
		32
Convicted and sentenced to be hung,	1	
do do do to penitentiary,	1	
do do do to county jail,	1	
do do not sentenced,	1	
Discharged,	8—	
Still pending,	20	
	—	
	32	

Monroe County—J. P. CHRISTIANCY, *Prosecuting Attorney.*

INDICTMENTS.

Proecutions pending at date of last report,		12
Not arrested,	6	
Discharged,	3	
Continued,	3—	
	12	

INDICTMENTS DURING THE YEAR.

For larceny,		1
adultery,		1
obtaining money under false pretences,		1—
		3
Covicted and fined,	1	
Still pending,	2—	
	3	

SPECIAL SESSIONS.

Larceny, assault and battery, &c.,	15	
Convicted,	11—	

Jackson County—D. JOHNSON, *Prosecuting Attorney.*

INDICTMENTS.

For arson,	1
burglary,	1
larceny,	5
assault and battery,	3
do do riotous,	9
having counterfeit coin with intent to utter,	1

refusing to pay over money collected as public officer,	1	
Pending at date of last report,		6—27
Convicted and sentenced to penitentiary,	3	
do do fined,	8	
do do not sentenced,	1	
Discharged,	5	
Still pending,		10—27

SPECIAL SESSIONS.

Larceny; fined,	1	
Assault and battery; fined,		4—5

Calhoun County—GEO. C. GIBBS, *Prosecuting Attorney.*

INDICTMENTS.

For larceny,		5
forgery,		1
Escape,		2
For nuisance,		2
libel,		1—11
Convicted and sentenced to penitentiary,	4	
do do not sentenced,	1	
Still pending, or discharged,		6—11

SPECIAL SESSIONS.

For larceny,		5
Convicted and imprisoned in county jail,	2	
do do fined 1; acquitted 2;		3—5

Kalamazoo County—NATHANIEL A. BALSH, *Prosecuting Attorney.*

INDICTMENTS.

For assault with intent to kill.		2
do do dangerous weapon,		1
adultery,		3
perjury,		2—8
Convicted and sentenced,	1	
do do not sentenced,	1	
Still pending,		6—8
Complaints before magistrates,	4	

Attempt to commit rape; acquitted,	1	
Shooting and maiming cattle; bound over,	1	
Larceny; discharged,	1	
Obtaining goods under false pretences, do.	1	4

Lenawee County—F. C. BEAMAN, *Prosecuting Attorney.*

INDICTMENTS SINCE LAST REPORT.

For attempt to ravish,		1
larceny,		5
lewd and lascivious cohabitation,		1
polygamy,		1
assault and battery,		1—9
Convicted, fined and imprisoned in county jail,	1	
Recognizance forfeited,	1	
Acquitted,	2	
Pending,	1	
Not arrested,	4	9
Pending at date of last report,	9	

St. Joseph County—J. EASTMAN JOHNSON, *Prosecuting Attorney.*

INDICTMENTS.

For perjury,		1
larceny,		3
seduction,		1
neglect of duty in public office,		1
obstructing highways,		2
assault with intent to murder,		1
assault,		2
gambling at tavern,		1
malicious injury to house,		1
vtolation of license law,		5
Pending at date of last report,		12—30
Convicted and sentenced to penitentiary,	2	
do do fined,	3	
Discharged,	11	
Still pending,	14	30

Cass County—JAMES SULLIVAN, *Prosecuting Attorney.*

INDICTMENTS.

For assault with intent to kill,		2
do on officer,		1
violation of license law,		3
adultery,		1
riot,		7
lewd and lascivious cohabitation,		2
selling spirituous liquors to Indians,		2
larceny,		3
uttering counterfeit coin,		1—
		22
Convicted and fined,	10	
Discharged,	1	
Still pending,	11—	
	22	

Berrien County—J. N. CHIPMAN, *Prosecuting Attorney.*

INDICTMENTS.

For larceny,		5
embezzlement,		3
assault and battery,		1
forgery,		1
obtaining goods under false pretences,		1
counselling the same,		1
having counterfeit coin with intent to utter,		1—
		13
Convicted and sentenced to penitentiary,	2	
Discharged,	2	
Still pending,	9—	
	13	

Ottawa County—G. REED, *Prosecuting Attorney.*

INDICTMENTS.

For lewd and lascivious cohabitation, (still pending,)	2

SPECIAL SESSIONS.

For assault and battery, fined,	1	
selling spirituous liquor to Indians, do.,	1	
do do do without license, do.,	1—	
	3	

St. Clair County—B. C. FARRAND, *Prosecuting Attorney.*

INDICTMENTS.

For larceny,		2
escape from prison,		1
perjury,		1
assault and battery,		2—6
Convicted,	2	
Acquitted,	1	
Pending,	3—	6

SPECIAL SESSIONS.

Larceny, fined,	3
Assault and battery,	1

Van Buren County—A. W. BROUGHTON, *Prosecuting Attorney.*

INDICTMENTS.

For assault and battery, with dangerous weapon,		1
perjury,		1
malicious mischief,		2
assault and battery, with intent to ravish,		1—5
Not arrested,	2	
Pending,	3—	5

Branch County—HENRY C. GILBERT, *Prosecuting Attorney.*

INDICTMENTS.

For larceny,		3
nuisance,		1
receiving stolen goods,		1
passing counterfeit money,		2
obtaining notes under false pretences,		1
burglary,		1—9
Indictments pending at date of last report,		4
		13
Convicted and sentenced to penitentiary,	3	
do do not sentenced,	1	

Convicted and fined,		1
Pending,		8—
		13

Clinton County—LEVI TOWNSON, *Prosecuting Attorney.*

INDICTMENTS.

For perjury,		1
	lewd and lascivious cohabitation,	1
	malicious mischief,	2
	violation of license law,	1—
		5
Discharged,		2
Pending,		3—
		5

Ionia County—JOHN C. BLANCHARD, *Prosecuting Attorney.*

INDICTMENTS.

For perjury,		3
	illegal voting,	2
	violation of license law,	1
	passing counterfeit money,	1
	assault, with intent to rape,	1
	do and battery, and resistance of officer,	3
	larceny,	1
	obtaining money on false pretences,	1—
		13
Discharged,		5
Pending,		8—
		13

SPECIAL SESSIONS.

Assault and battery, (fined,)		1

Shiawassee County—ANDREW PARSONS, *Prosecuting Attorney.*

INDICTMENTS.

For larceny,		3
	resisting service of process,	1
	violation of license law,	6—
		10
Convicted and fined,		2
	do do new trial granted,	1
Acquitted,		3
Pending,		4—
		10

Livingston County—F. C. WHIPPLE, *Prosecuting Attorney.*

INDICTMENTS.

For incest,		1
perjury,		2
larceny,		1
assault and battery,		4—8
Convicted and fined,	1	
Acquitted,	3	
Pending,	4—8	

BEFORE MAGISTRATES.

For assault and battery,	3	
larceny,	2	
malicious trespass,	1	
highway robbery,	1—7	
Convicted and imprisoned,	1	
Discharged,	3	
Escaped 1; held to bail 2,	3—7	

Genessee County—E. H. THOMPSON, *Prosecuting Attorney.*

INDICTMENTS.

For selling spiritous liquors to Indians,		4
violation of license law,		3
larceny,		4
perjury,		1
illegal voting,		2—14
Convicted and sentenced to penitentiary,	1	
Disposed of,	9	
Pending,	4—14	